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LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: John Ford, Director – Planning & Building Department
FROM:  Thomas K. Mattson, Director – Public Works
DATE: 05/01/2024
RE: SUTTER SUBDIVISION, APN 509-321-018, P&B CASE NO. 2023-18146

The Robert W. & Cindi L. Sutter subdivision was approved by the Planning Commission on April 4, 2024. The subdivider is appealing Public Works Condition of Approval Item 2.6(e) that requires the subdivider construct curb, gutter, and sidewalk along the northerly extension of Azalea Avenue.

Public Works has carefully reviewed the appeal requested by the subdivider and recommends that the appeal be denied; and that the condition of approval to construct curb, gutter, and sidewalk along the northerly extension of Azalea Avenue be required.

The Public Works condition of approval Item 2.6(e) is based upon the following:

1. Public Works Azalea Avenue extension is a road. It is not a driveway as it serves more than one property.
2. Public Works uses zoning to determine when non-vehicular facilities are to be provided on roads, whether Public or Private. In general, areas that are primarily zoned for 1 acre and less are considered urban and need pedestrian facilities (curb, gutter and sidewalk). Areas primarily zoned above 1 acre to 5 acres are considered suburban and need paved shoulders to accommodate bicyclists. Areas primarily zoned above 5 acres are rural and no amenities are needed for the road.

However, segments of certain arterial and collector roads in suburban or rural settings will need pedestrian facilities and/or Class II bike lanes. As one example, it is not uncommon for nearby communities to be separated by rural zoning yet be within a couple of miles of each other. It is not uncommon to see a higher level of non-vehicular traffic go back and forth between these communities. Because there is a demonstrated need, combined with higher vehicular traffic volumes, the rural road that connects these communities needs to accommodate non-vehicular traffic.

3. Public Works has considered the site-specific circumstances unique to this proposed subdivision and finds that it is highly likely that the residents living in this proposed subdivision off the northerly extension of Azalea Avenue will walk on this road to gain access to existing pedestrian facilities on Sutter Road.
4. Public Works finds that California Building Code (CBC) requires pedestrian facilities to be separated from the road; therefore curb, gutter, and sidewalk are necessary.

Note: Recent changes in the CBC require that pedestrian facilities be vertically separated from the road ([CBC 11B-250.1](#)). This necessitates a curb and/or a substantial landscape strip be provided. Yes, the CBC also applies to roads; see ([CBC 1.1.3](#) Scope).

5. Public Works finds that concrete is the most economical material for sidewalks that can consistently achieve the tolerances set forth in California ADA (as codified in the CBC) and Federal ADA (as codified in PROWAG).
6. After evaluating the unique circumstances of the subdivision, Public Works found that a modified [Category 6](#) road for the northerly extension of Azalea Avenue was appropriate for this subdivision:

Item 2.6(e) Azalea Avenue (Non-County Maintained): Azalea Avenue, north of Sutter Road, shall be constructed having a typical section comprised of an 18-foot-wide travel lane and a 5 foot wide pedestrian sidewalk with Caltrans Type A2-6 portland cement concrete (PCC) curb and gutter(s) on the east side.

7. The following County Code Sections support or indirectly support the requirements of Public Works on Public and Private Roads:
 - County Code Section [324-1](#) Improvements
 - Appendix A to the Subdivision Ordinance, [Purpose](#)
 - Appendix A to the Subdivision Ordinance, [Interpretation](#)
 - Appendix A to the Subdivision Ordinance, Section [2-1](#), Basic Design Policies and Geometric Standards.
 - Appendix A to the Subdivision Ordinance, Section [4-1](#) and [4-2](#), Design Standards for Roadway Categories.
8. The following General Plan policies, standards and implementation measures support or indirectly support the requirements of Public Works on Public and Private Roads:
 - [UL-P8](#) Neighborhood Connectivity
 - [C-P28](#) Bicycles and Pedestrian Facilities in New Subdivisions
 - [C-G1](#) Circulation System Safety and Functionality
 - [C-P1](#) Circulation System

9. The following McKinleyville Community Plan policies, standards and implementation measures support or indirectly support the requirements of Public Works:

- Section [4230 #7 and #10](#) Policies
- Section [4260](#) Alternate Roadway Designs
- Section [4261 #1](#) Goal
- Section [4262 #1 and #5](#) Policies

10. The following Subdivision Map Act (Government Code Section) supports the requirements of Public Works:

- Government Code [66411.1](#)

11. Further analysis of the right of way for Azalea Avenue Extension concludes that there is a contiguous right of way from Sutter Road to Blackbird Avenue. While this right of way is not public, it is for the benefit of approximately 68 parcels lying north of Sutter Road. This right of way can be utilized as a connection between Sutter Road and Blackbird Avenue. Public Works is proposing a non-vehicular connection in this corridor. The applicant would construct the sidewalk within the subdivision; leaving the remainder (about 80 feet) to Blackbird Avenue for others to complete. Although, there may be sufficient nexus and proportionality to require the subdivider to complete this as an off-site improvement. The project was conditioned by the Planning Commission for on-site improvements only. Public Works therefore recommends only requiring improvements on the subject parcel.

12. The conditions of approval for the subdivision have been modified to include the following,

- Diagram showing the extent of the road improvements for Azalea Avenue Extension.
- Irrevocable dedication of right of ways across Azalea Avenue to the County of Humboldt.

